

JAN. 31. 2006 8:45PM JACOBSON HOLMAN PLLC

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NO. 662 P. 1

JAN 31 2006

Attorney Docket No. P66141US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SCHLINGENSIEPEN et al.

Via facsimile
571-273-8300

Application No.: 09/701,583

Group Art Unit: 1635

Filed: February 5, 2001

Examiner: J. ZARA

For: A METHOD FOR STIMULATING THE IMMUNE SYSTEM

TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith by facsimile please find:

Response to Election/Restriction Requirement
 Petition for extension of time
 Fee payment Payment Form PTO-2038 (credit card) for \$ * is attached.
 Charge \$ * to Deposit Account No. 06-1358.
 Small entity status established in connection with the subject application.

Fee Calculation					
Excess Claims					
	Nº of Claims	Highest Nº Paid For	Excess Claims	Small Entity Fee	Large Entity Fee
Total	*	⊖ * =	0	⊖ \$9 = \$	⊖ \$18 = \$
Ind.	*	⊖ * =	0	⊖ \$42 = \$	⊖ \$84 = \$
() Multiple Dependent Claims (1 st Filing)			⊕ \$140 = \$		⊕ \$280 = \$
Excess Claims Fee			\$		\$
Extension of Time Fee			\$		\$
Other:			\$		\$
Total Fee Due			\$0		\$0

If a petition for extension of time is necessary, but not enclosed, then this acts as the petition.
Charge any fees additionally necessary in connection herewith to Deposit Account No. 06-1358.

JACOBSON HOLMAN PLLC
400 Seventh Street, N. W.
Washington, D.C. 20004-2201
Tel. (202) 638-6666
Fax (202) 393-5350
Date: January 31, 2006

By


William E. Player
Registration No. 31,409

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JAN. 31. 2006 8:45PM

JACOBSON HOLMAN PLLC

RECEIVED
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NO. 662 P. 2

JAN 31 2006

Attorney Docket No. P66141US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: SCHLINGENSIEPEN et al.

Via facsimile
571-273-8300

Application No.: 09/701,583

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For: A METHOD FOR STIMULATING THE IMMUNE SYSTEM

**RESPONSE
TO ELECTION/RESTRICTION REQUIREMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

This paper, transmitted by facsimile, responds to the Office Action (election/restriction requirement) mailed January 4, 2006.

Pursuant to the election/restriction requirement applicants elect SEQ ID NO: 9 and SEQ ID NO: 14, as the two nucleotide sequences (in addition to previously elected SEQ ID NO: 7), with traverse. All remaining claims read on the elected species, and all elected species are directed against TGF- β 2.

Applicants traverse since, under MPEP 2434, nucleotide sequences encoding the same protein are not considered to be independent and distinct and will be examined together. In the present case, SEQ ID NOS: 1-32 are antisense oligonucleotides corresponding to a single gene encoding a single protein, i.e., protein TGF- β . Accordingly, SEQ ID NOS: 1-32 are not independent and distinct from one another.

Favorable action is requested.

Respectfully submitted,

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
Tel.: 202-638-6666
Fax: 202-3935350
Date: January 31, 2006
WEP/id:
R:\Home\rboman\wep\2006\January\P66141 response(fax).wdp

JACOBSON HOLMAN PLLC

By:


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